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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|---------------------------|----------------------|------------------|
| 10/708,239 | 02/18/2004 | William Douglas Cress JR. | 1372.133.PRC | 2238 |
| 21901 | 7590 | 05/11/2006 | EXAMINER | |
| SMITH HOPEN, PA 180 PINE AVENUE NORTH OLDSMAR, FL 34677 | | | VIVLEMORE, TRACY ANN | |
| | | | ART UNIT | PAPER NUMBER |

1635

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Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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EXAMINER

ART UNIT

PAPER

20060509

DATE MAILED:

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Commissioner for Patents

The amendment filed on March 7, 2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the elected invention was directed to modulation of apoptosis by downregulating expression of E2F1 as in original claim 3. The new claims are directed to methods of inducing apoptosis using compounds that increase expression of E2F1. These claims would have been properly restricted from the elected invention if they had been presented earlier.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy Vivemore whose telephone number is 571-272-2914. The examiner can normally be reached on Mon-Fri 8:45-5:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on 571-272-4517. The central FAX Number is 571-273-8300.

JAMES SCHULTZ, PH.D.
PRIMARY EXAMINER

TV
May 9, 2006